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23 April 2021

**Submission: Support the application** by Ngāti Hei for a 2-year temporary closure around the eastern Coromandel coast to the harvest of scallops under section 186A of the Fisheries Act.

#### **NZ Sport Fishing Council - LEGASEA**

1. The New Zealand Sport Fishing Council (NZSFC) is a national sports organisation with over 36,200 affiliated members from 55 clubs nationwide. The Council has initiated LegaSea to generate widespread awareness and support for the need to restore access to abundant fish stocks in our inshore marine environment. Also, to broaden NZSFC involvement in marine management advocacy, research, education and alignment. On behalf of our members and LegaSea supporters, we are “the submitters”. [www.legasea.co.nz](http://www.legasea.co.nz)
2. The submitters have previously supported s186A Fisheries Act (1996) fishing closure applications around the motu where there has been a clear purpose to restore abundance and productivity of the marine environment.
3. Our representatives are available to discuss this submission in more detail if required. We look forward to positive outcomes from this process. We would like to be kept informed of future developments. Our contact is Helen Pastor [secretary@nzsportfishing.org.nz](mailto:secretary@nzsportfishing.org.nz).

#### **Submission**

4. The submitters support the application by Ngāti Hei for a two-year closure of fisheries waters around the eastern Coromandel coast to the harvest of scallops (tipa) under section 186A of the Fisheries Act 1996. Official advice was received on 23 March with submissions due by 17 May 2021.
5. The submitters acknowledge Ngāti Hei in their efforts to replenish our taonga, precious species, by applying a customary fisheries management tool. Clearly the current Quota Management System is not serving Ngāti Hei nor the community in ensuring there is sufficient abundance of scallops to meet local needs.
6. The Minister must act now to close the scallop (tipa) beds to all harvest, to enable both the beds to recover from years of intensive dredging and to reinvigorate spat settlement. Enabling scallops to increase in number and size will help contribute to the resilience of the marine

ecosystem and better provide for the cultural, social, and recreational needs of mana whenua and the local community.

7. The submitters acknowledge the effort by Ngāti Hei to work alongside local communities in educating the public on the need to address depleted scallop (tipa) numbers. It was a privilege for our team to be at Opito Bay, Coromandel, in December 2020 supporting Ngāti Hei when they declared a rāhui banning the customary harvest of scallops from the Bay. The Opito Bay community simultaneously announced a voluntary ban on the recreational harvest of scallops for the 2020-21 season.
8. Tourists and locals alike were respectful of the rāhui and voluntary ban over the summer, helping Ngāti Hei in highlighting issues of fishing pressure on shellfish populations and marine ecosystem health, while gaining overwhelming public support.
9. To support Ngāti Hei in the longer term management of scallops (tipa), we initiated a (repeatable) dive survey in December 2020 to count existing scallop numbers within Opito Bay. The results from that research will be available in May 2021. We also understand that NIWA are conducting a survey of scallop abundance on behalf of Fisheries New Zealand. This will be the first survey of the affected beds since 2012. We look forward to receiving those results.
10. The submitters have previously supported s186A Fisheries Act (1996) fishing closure applications, most recently supporting Ngāti Pāoa in their efforts to restore scallops (tipa), mussels (kūtai), rock lobster (kōura) and pāua around Waiheke Island.
11. Since December 2019 we have submitted in support of the proposed s186A 2-year closure to the harvest of blackfoot pāua at Waimarama, Hawkes Bay, and the s186A application to temporarily close Te Mātā and Waipatukahu (Tapu) Mahinga Mātaitai, Thames Coast, to the taking of kūtai (mussels), pipi and tuangi (cockles). Both of these applications were successful in gaining Ministerial approval in 2020.

### **Wider concerns**

12. The submitters acknowledge concerns by other iwi and communities that displacement of effort due to a temporary closure in the applicant area may mean increased shellfish gathering in other areas of the Gulf. These are valid concerns that need to be addressed.
  - a. **We recommend** Fisheries New Zealand facilitate conversations between mana whenua and the wider community to ensure people understand the importance of the temporary closure and the potential need for the Minister to reduce overall harvest levels in the future.
13. We have previously submitted that the Total Allowable Commercial Catch (TACC) alone is not an effective management tool for scallops, and that a mix of input controls such as effort, area, and catch limits is more appropriate.
  - a. **We recommend** the Minister consider a TACC reduction or a buy-back of quota in the Coromandel scallop fishery (SCA CS) given the following factors –
    - i. The decline of scallop abundance over recent years;
    - ii. The lack of any reasonable rebuild of abundance in the Challenger scallop fishery that has been closed since 2016;
    - iii. The reduction over time in the Coromandel commercial scallop fleet, from 23 vessels down to four;
    - iv. The size of the proposed closure area under s186A.
14. The submitters are concerned the fundamental drivers contributing to depletion and biodiversity loss cannot be addressed solely by applying customary fisheries management tools such as a

temporary closure. The aim of fisheries management ought to be the conservation and restoration of biodiversity and the functioning of ecological systems. To achieve these goals the broader issues of habitat protection and reducing mortality must be addressed.

15. Fundamental to all functions undertaken in fisheries management is the dual purpose of section 8 of the Fisheries Act, which is to “provide for the utilisation of fisheries resources while ensuring sustainability”. Ensuring sustainability is further defined as “(a) maintaining the potential of fisheries resources to meet the reasonably foreseeable needs of future generations; and (b) avoiding, remedying, or mitigating any adverse effects of fishing on the aquatic environment”.
16. Bottom trawling and shellfish dredging using the Victorian Box Dredge are archaic industrial-scale fishing techniques that damage the benthic environment. With every drag of the trawl net or every sweep of the scallop dredge damage is inflicted on the seabed and the organisms trying to grow on it.
  - a. **We recommend** the Minister prohibits the use of bottom trawl and dredges from our inshore waters including the Hauraki Gulf.
17. A ban on bottom trawling and dredging is supported by the statutory requirements set out in the Hauraki Gulf Marine Park Act 2000. Sections 7 & 8 are important in recognising that the interrelationship between the Gulf’s natural resources and its life-supporting capacity is of national significance. Section 7 of the Act spells out the significance:

S7(2) The life-supporting capacity of the environment of the Gulf and its islands includes the capacity –

  - (a) To provide for –
    - (i) The historic, traditional, cultural, and spiritual relationship of the tangata whenua of the Gulf with the Gulf and its islands; and
    - (ii) The social, economic, recreational and cultural well-being of people and communities;
  - (b) To use the resources of the Gulf by the people and communities of the Gulf and New Zealand for economic activities and recreation;
  - (c) To maintain the soil, air, water, and ecosystems of the Gulf.
18. The submitters are concerned that the responsibility for rebuilding or protecting local populations of fish and shellfish is falling on the shoulders of mana whenua. This responsibility is weighing heavily on under-resourced iwi and hapū.
19. Moreover, the statutory powers available to iwi and hapū are limited. Some hapū and coastal communities are now seeking remedies under the Resource Management Act (RMA). The RMA, section 186A of the Fisheries Act, and other customary management tools were not designed to rebuild severely depleted fish and shellfish populations. That is the role of the Minister who has a suite of tools available under the Fisheries Act 1996.
20. The boom and bust cycle in scallop fisheries is not new, it has been obvious for many years. The use of evolving technology has enabled the discovery and exploitation of the last refuges of a once-prolific fishery. For example, in 2011 a large scallop bed was discovered in the Hauraki Gulf (2W) and this provided good catches from 2011 to 2013. Fisheries NZ report fishing in that area “*ceased soon after,*” and by 2015 biomass was “*very low*”. It is sad that Ngāti Hei and locals struggle to recall the last major wash-up of scallops after a storm event, with only a couple in the past decade involving much smaller numbers than expected.
21. Another concern is that it cannot be assumed that species automatically rebound in abundance once they are fished to low levels. The crucial element is not fish them down so low. We must also protect the environment in which scallops survive. Fisheries managers are clearly late in responding to the plight of Coromandel scallops however, we are celebrating the fact that Ngāti

Hei and the community are championing protection of the remaining scallops and the restoration of their habitat.

22. We submit that conservation is far simpler than trying to restore a fish stock on the brink of collapse in a damaged ecosystem.